

## **EXHIBIT 6**

**Draper City**



**DRAPER CITY POLICE DEPARTMENT  
POLICIES AND PROCEDURES**

## **USE OF FORCE**

It is imperative that officers act within the boundaries of legal guidelines and ethics, good judgment, and accepted practices whenever using force in the course of duty. Department Policies concerning the use of force and firearms are intended to offer general guidelines so that officers can be confident in their lawful exercise of such force. These policies do not cover every possible situation. The policy offers a foundation on which to base critical decisions regarding the use of force.

### **Deadly Force - Statutory Authority**

#### **Authority to Use Deadly Force**

Peace officer's use of deadly force:

A peace officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when:

- the officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death;
- effecting an arrest or preventing an escape from custody following an arrest, where the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and
  - the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; and
  - the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to others if apprehension is delayed;
- the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or another person.

If feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (1) (b) or (1) (c)." (76-2-404 Utah Code)"

### **Justification for Use of Deadly Force**

Justification for the use of deadly force must be limited to what reasonably appear to be the facts known or perceived by an officer at the time the officer decides to use such force.

**Draper City**



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POLICIES AND PROCEDURES**

Facts unknown to an officer, no matter how compelling, cannot be considered at a later date to justify the use of such force.

**Considerations in Use of Deadly Force**

Deadly force shall ONLY be exercised when all reasonable alternatives have been exhausted or appear impractical. Officers should consider:

- Other methods of affecting an arrest.
- The direction in which the firearm is to be discharged because of the possibility that innocent persons or property may be struck.
- The age of the suspect and the offense committed.
- Light conditions (extreme caution must be used at night or when other conditions obscure the officer's vision).
- The danger of firing while running or jumping.

**Use of Force Other Than Deadly Force**

**Statutory Guidelines**

**Force in Arrest (76-2-403)**

Any person is justified in using any force, except deadly force, which he reasonably believes to be necessary to affect an arrest or to defend him self or another from bodily harm while making an arrest. (Utah Code)

**Fleeing or Resisting Person**

An arrest is an actual restraint of the person arrested or submission to custody. The person shall not be subjected to any more restraint than is necessary for his arrest and detention. (77-7-1 Utah Code) If the arrested person flees, forcibly resists, or jeopardizes the officers' safety or the safety of others, the officer may use force which the officer believes to be reasonably necessary to affect an arrest or to retain custody by preventing escape. The officer is never authorized to use punitive force or punitive measures while affecting an arrest or preventing an escape. Deadly force is authorized only under the criteria contained in § D50-02-01.00.

**Draper City**



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POLICIES AND PROCEDURES**

**Preventing Escape from Confinement**

"An inmate who is housed in a secure correctional facility and is in the act of escaping from that secure correctional facility or from the custody of a peace or correctional officer is presumed to pose a threat of death or serious bodily injury to an officer or others if apprehension is delayed." An inmate who is housed in a secure correctional facility, and is in the act of escaping from a correctional officer or a peace officer who has custody of the individual outside the secure facility is also presumed to pose a threat of death or serious bodily injury to an officer or others if apprehension is delayed.

"Secure correctional facility" means any prison, penitentiary, or other institution operated by the department or under contract for the confinement of offenders, where force may be used to restrain them if they attempt to leave the institution without authorization." (64-13-1 (9) Utah Code)"

**Arrest with a Warrant**

The possession of a warrant of arrest does not provide the officer any additional powers to use force. The use of force or deadly force guidelines are the same whether or not a warrant exists.

**Misdemeanants and Juveniles**

An officer shall not use deadly force to effect an arrest or prevent the escape of one known by the officer to be a misdemeanor or a juvenile unless such person is attempting to escape by use of a deadly weapon or otherwise indicates that they will endanger human life or inflict great bodily harm unless arrested without delay or in situations where deadly force is necessary for the immediate protection or safety of the officer or others.

**Incidents Resulting in Death or Injury of a Person**

**Sergeant's Responsibilities**

The patrol Sergeant responding to the scene shall be responsible for the following duties:

The Sergeant arriving at the scene will obtain the basic facts of the incident. The Sergeant will incorporate this information in their report. The scene will be protected by sealing off the immediate area and, if possible, removing unauthorized persons - including police officers not required at the scene. The Sergeant will escort and maintain control of the officer(s) weapon(s) and magazines until it can be examined in the loaded state by the follow up officer assigned.

The involved officer will not be required to fill out the initial report. A Detective case investigator will fill out the initial report before going off duty.